

Amdt. dated August 23, 2004  
Reply to Office action of 07/09/2004

Serial No. 09/627,662  
Docket No. CA990022US1  
Firm No. 0055.0022

### REMARKS/ARGUMENTS

Applicants filed a Notice of Appeal on July 26, 2004. Applicants request the Examiner to enter the newly added FIG. 4 and the corresponding amendments to the specification to overcome the objection to the drawings and simplify matters for appeal.

Applicants additionally request the Examiner to withdraw the indefiniteness rejections under 35 U.S.C. §112 for the reasons discussed herein.

#### Applicants request withdrawal of Objection to the Drawings

Applicants submit a new FIG. 4 to overcome the objections to the drawings. No new matter has been added in FIG. 4.

FIG. 4 shows the operations required by claims 27, 37, 47 to overcome the objections of the Examiner. Claims 27, 37, 47 require updating an index on a database table when data is added to the table. The claim requirement of receiving data records to load into the table is shown in block 38 of FIG. 4. The claim requirements of selecting one of a first operation and second operation, wherein the first operation incrementally updates the index on the table as each received data record is added to the table and the second operation rebuilds the index from the table after all the received data records have been added to the table are shown in block 40 of FIG. 4. The claim requirements of using the selected first operation or second operation to incrementally update or rebuild the index respectively with the data from the received data records are shown in blocks 42 and 44 of FIG. 4, where block 42 shows the first operation of

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incrementally updating the index and block 44 shows the second operation of rebuilding the index.

The heuristic determination function referred to in block 40 shows the requirements of claims 57, 60, and 63, that the selecting is performed by a heuristic determination function.

Applicants request the entry of FIG. 4, because FIG. 4 describes the operations required by claims 27, 37, 47 without adding any new matter to the specification. The operations shown in FIG. 4 are disclosed in the specification and original claims. Support for FIG. 4 can be found in at least original claim 20, page 11: lines 18-24, page 8: lines 25 - page 11: lines 7, pages 6-16, and original claims 1-56 of the Application.

The Applicants request the Examiner to enter FIG. 4 to simplify matters for appeal because the entry of FIG. 4 overcomes the objections to the drawings.

The specification has been amended to refer to FIG. 4.

Applicants request withdrawal of 35 U.S.C. §112 Rejection

In the final office action (dated 03/25/2004, paper number 15) the Examiner rejected claims 27, 37, and 47 under 35 U.S.C. §112 second paragraph by indicating that the word "respectively" gave an ambiguous meaning for each selected operation. Applicants traverse.

These claims require using the selected first operation or second operation to incrementally update or rebuild the index respectively with the data from the received data records. According to the Merriam-Webster online Dictionary ([www.webster.com](http://www.webster.com)) respectively

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is an adverb that means "in the order given" (see attachment), Additionally, according to the American Heritage Dictionary of the English Language: Fourth Edition, 2000, respectively means "singly in the order designated or mentioned" (See attachment). According to these definitions, the claims require the selected first operation to incrementally update the index and the second operation to rebuild the index because these operations are performed respectively in the order given, i.e., these operations are performed singly in the order mentioned.

Applicants request the Examiner to remove the 35 U.S.C. §112 Rejection to simply matters for appeal because the use of the term "respectively" in these claims is not indefinite.

#### Conclusion

Applicants have not added any claims. Nonetheless, should any additional fees be required, please charge Deposit Account No. 50-0585.

The attorney/agent invites the Examiner to contact him at (310) 557-2292 if the Examiner believes such contact would advance the prosecution of the case.

Dated: August 23, 2004

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## Merriam-Webster Online Dictionary

3 entries found for **respectively**.  
 To select an entry, click on it.

respectively  
 chlorophyll  
 vitamin K

Main Entry: **re-spect-ive-ly**

Function: *adverb*

1 : in particular : **SEPARATELY** <could not recognize the solutions as salty or sour, *respectively*>

2 : in the order given <Mary and Anne were *respectively* 12 and 16 years old>

For More Information on "**respectively**" go to [Britannica.com](http://Britannica.com)  
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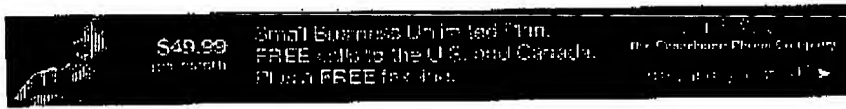
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The American Heritage® Dictionary of the English Language: Fourth Edition. 2000.

## respectively

SYLLABICATION: re-spec-tive-ly

PRONUNCIATION: rĭ-spĕk'tĭv-lĕ

ADVERB: Singly in the order designated or mentioned: *I'm referring to each of you respectively.*

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FIG. 4

